

**DEFENSE**

**Status of Forces**

**Agreement Between the  
UNITED STATES OF AMERICA  
and EL SALVADOR**

Effected by Exchange of Notes at  
San Salvador February 15, 2007



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966  
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

## **EL SALVADOR**

### **Defense: Status of Forces**

*Agreement effected by exchange of notes at  
San Salvador February 15, 2007;  
Entered into force May 22, 2007.*

No. 100

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of El Salvador, and has the honor to refer to recent discussions between representatives of our two governments regarding issues related to United States military and civilian personnel (defined as members of the United States Armed Forces and civilian employees of the United States Department of Defense, respectively, hereafter referred to collectively as United States personnel) and United States Contractors (defined as non-Salvadoran companies and firms, and their employees who are not nationals of El Salvador, under contract to the United States Department of Defense) who may be temporarily present in El Salvador in connection with ship visits, training, exercises, humanitarian activities, and other activities as mutually agreed.

As a result of these discussions, the Embassy proposes that United States personnel be accorded the privileges, exemptions, and immunities equivalent to those accorded to the administrative and technical staff of a diplomatic mission under the Vienna Convention on diplomatic relations of April 18, 1961; that United States personnel may enter and exit El Salvador with United States identification and with collective movement or individual travel orders; that El Salvador shall accept as valid all professional licenses issued by the United States, its political subdivisions or states thereof to United States personnel for the provision of services to authorized personnel; and that Salvadoran authorities shall accept as valid, without a driving test or fee, driving licenses

**DIPLOMATIC NOTE**

or permits issued by the appropriate United States authorities to United States personnel for the operation of vehicles. The Embassy further proposes that United States personnel be authorized to wear uniforms while performing official duties and to carry arms while on duty if authorized to do so by their orders.

The government of El Salvador recognizes the particular importance of disciplinary control by United States armed forces authorities over United States personnel and, therefore, authorizes the government of the United States to exercise criminal jurisdiction over United States personnel while in El Salvador.

The Embassy further proposes that the United States Department of Defense and United States personnel shall not be liable to pay any tax or similar charge assessed within El Salvador and that the United States Department of Defense and United States personnel may import into, export out of, and use in El Salvador any personal property, equipment, supplies, materiel, technology, training, or services in connection with activities under this agreement. Such importation, exportation, and use shall be exempt from any inspection, license, other restrictions, customs duties, taxes, or any other charges assessed within El Salvador. The Governments of the United States of America and El Salvador shall cooperate to take such measures as may be necessary to ensure the security and protection of United States personnel, property, equipment, records, and official information in El Salvador.

The Embassy proposes that vessels and vehicles operated by or, at the time, exclusively for the United States Department of Defense may enter, exit, and move freely within the

territory of El Salvador, and that such vehicles (whether self-propelled or towed) shall not be subject to the payment of overland transit tolls. Vessels and aircraft owned or operated by or, at the time, exclusively for the United States Department of Defense shall not be subject to the payment of landing, parking, or port fees, pilotage charges, lighterage, and harbor dues at facilities owned and operated by the government of El Salvador. Aircraft owned and operated by or, at the time, exclusively for the United States Department of Defense shall not be subject to payment of navigation, overflight, terminal or similar charges when in the territory of El Salvador. The United States Department of Defense shall pay reasonable charges for services requested and received at rates no less favorable than those paid by the Armed Forces of El Salvador. Aircraft and vessels of the United States government shall be free from boarding and inspection.

The Embassy also proposes that the United States Department of Defense may contract for any materiel, supplies, equipment, and services (including construction) to be furnished or undertaken in El Salvador without restriction as to choice of contractor, supplier, or person who provides such materiel, supplies, equipment or services. Such contracts shall be solicited, awarded and administered in accordance with the laws and regulations of the government of the United States of America. Acquisition of articles and services in El Salvador by or on behalf of the United States Department of Defense in connection with activities under this Agreement shall not be subject to any taxes or similar charges in El Salvador.

The Embassy further proposes that United States contractors in fulfillment of contracts with the United States Department of Defense in connection with activities under this agreement may import or utilize in El Salvador or export therefrom any personal property, equipment, supplies, technology, training, or services. Such importation, exportation, and use shall be exempt from any license, other restrictions, customs duties, taxes, or any other charges assessed within El Salvador.

The Embassy proposes that United States contractors shall be granted the same treatment as United States personnel with respect to professional and drivers, licenses.

The Embassy proposes that United States personnel shall have freedom of movement and access to and use of mutually agreed transportation, storage, training, and other facilities required in connection with activities under this agreement.

The government of El Salvador recognizes that it may be necessary for the United States armed forces to use the radio spectrum. The United States Department of Defense shall be allowed to operate its own telecommunication systems (as telecommunication is defined in the 1992 constitution and Convention of the International Telecommunication Union). This shall include the right to utilize such means and services as required to ensure full ability to operate telecommunication systems, and the right to use all necessary radio spectrum for this purpose. Use of the radio spectrum shall be free of cost to the United States Government. Further, the Embassy proposes that the Parties waive any and all claims (other than contractual claims) against each other for damage to, loss, or destruction of the other's property or injury or death to

personnel of either Party's armed forces or their civilian personnel arising out of the performance of their official duties in connection with activities under this Agreement. Claims by third parties for damages or loss caused by United States personnel shall be resolved in accordance with United States laws and regulations, with said government taking steps to ensure that claimants have adequate access to the claims process.

Finally, the Embassy proposes further that our two governments or their designated representatives may enter into implementing arrangements to carry out the provisions of this agreement.

If the foregoing is acceptable to the government of El Salvador, the Embassy proposes that this note, together with the Ministry's reply to that effect, shall constitute an Agreement between the two Governments, which shall enter into force on the date of the Ministry's reply.

The Embassy of the United States of America avails itself of this opportunity to present to the Ministry of Foreign Affairs of the Republic of El Salvador, the assurances of its highest and most distinguished consideration.



Embassy of the United States of America,

San Salvador, February 15, 2007.



MINISTERIO DE RELACIONES EXTERIORES  
REPÚBLICA DE EL SALVADOR C.A.

Secretaría de Estado

DGAJDH/DNT/CB/Nº 0227

EL MINISTERIO DE RELACIONES EXTERIORES DE LA REPUBLICA DE EL SALVADOR tiene el honor de acusar recibo de la Nota Diplomática Nº 100 de fecha 15 de febrero de 2007, la cual literalmente dice:

““No. 100

La Embajada de los Estados Unidos de América saluda muy atentamente al Ministerio de Relaciones Exteriores de la República de El Salvador y tiene el honor de referirse a las recientes conversaciones entre los representantes de nuestros Gobiernos sobre ciertas cuestiones relativas al personal militar y civil de los Estados Unidos (por definición, los integrantes de las Fuerzas Armadas de los Estados Unidos y los empleados civiles del Departamento de Defensa de los Estados Unidos, respectivamente, en adelante y en conjunto, el “personal de los Estados Unidos”) y a los contratistas de los Estados Unidos (por definición, las compañías y empresas no salvadoreñas, junto con los empleados de éstas que no sean nacionales de El Salvador, bajo contrato con el Departamento de Defensa de los Estados Unidos) que se encuentren temporalmente en El Salvador por motivo de visitas de embarcaciones, capacitación, ejercicios, labores humanitarias y las otras actividades en que se convenga mutuamente.

A consecuencia de dichas conversaciones, la Embajada propone que al personal de los Estados Unidos se le conceda privilegios, exenciones e inmunidades equivalentes a los que se confiere al personal administrativo y técnico de una misión diplomática conforme a la Convención de Viena sobre relaciones diplomáticas del 18 de abril de 1961; que el personal de los Estados Unidos entre y salga de El Salvador por medio del documento de identidad de los Estados Unidos, junto con sus órdenes de viaje colectivas o personales; que El Salvador acepte la validez de todas las licencias profesionales que expidan los Estados Unidos o sus circunscripciones políticas o estados al personal de los Estados Unidos para la prestación de servicios al personal autorizado, y que las autoridades salvadoreñas acepten la validez de las licencias o permisos de manejar expedidos por las autoridades competentes de los Estados Unidos al personal de los Estados Unidos para la conducción de vehículos, sin exigir pruebas de manejo ni el pago de derechos. La Embajada de los Estados Unidos propone asimismo que se autorice al personal de los Estados Unidos a vestir de uniforme al desempeñar sus obligaciones oficiales y a portar armas mientras se encuentren de servicio, si sus órdenes de viaje lo permiten.



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El Gobierno de la República de El Salvador, al reconocer la importancia especial que reviste el control disciplinario de las autoridades de las Fuerzas Armadas de los Estados Unidos sobre el personal de los Estados Unidos, autoriza al Gobierno de los Estados Unidos a ejercer la jurisdicción penal sobre el personal de los Estados Unidos que se encuentre en El Salvador.

La Embajada propone también que el Departamento de Defensa y el personal de los Estados Unidos no estén sujetos al pago de cualquier impuesto o gravamen parecido que se les imponga en El Salvador y que el Departamento de Defensa y el personal de los Estados Unidos puedan importar y utilizar en El Salvador o exportar del mismo cualesquiera bienes muebles, equipos, suministros, material, tecnología, capacitación o servicios relacionados con las actividades a que se refiere el presente Acuerdo. Dicha importación, exportación y utilización se eximirá de inspecciones, concesión de licencias, otras restricciones, derechos de aduana, impuestos o cualquier otro gravamen que se imponga en El Salvador. Los Gobiernos de la República de El Salvador y los Estados Unidos de América cooperarán en la toma de las medidas necesarias para velar por la seguridad y protección del personal, los bienes, el equipo, los documentos y la información oficial de los Estados Unidos en El Salvador.

La Embajada propone que las embarcaciones y los vehículos que haga funcionar el Departamento de Defensa de los Estados Unidos, o que de momento se empleen exclusivamente para dicho Departamento, entren o salgan del territorio de El Salvador o se muevan por éste libremente, y que dichos vehículos, ya sean autopropulsados o remolcados, no estén sujetos al pago de derechos de peaje. Las embarcaciones y aeronaves de propiedad del Departamento de Defensa de los Estados Unidos, o que de momento se empleen exclusivamente para dicho Departamento, no estarán sujetas al pago de derechos por el uso de pistas de aterrizaje, estacionamientos, puertos, servicios de prácticos, lanchas de trasbordo y muelles en las instalaciones que posea y administre el Gobierno de la República de El Salvador. Las aeronaves que posea o haga funcionar el Departamento de Defensa, o que de momento se empleen exclusivamente para dicho Departamento no estarán sujetas al pago de derechos de navegación, sobrevuelo, terminal ni otros afines cuando se encuentren en el territorio de El Salvador. El Departamento de Defensa de los Estados Unidos pagará derechos razonables para los servicios que solicite y se le presten, a unas tarifas no menos favorables que las que paguen las Fuerzas Armadas de El Salvador. Las aeronaves y embarcaciones del Gobierno de los Estados Unidos no se someterán a visitas ni inspecciones.



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La Embajada propone asimismo que el Departamento de Defensa de los Estados Unidos pueda contratar la adquisición de cualesquier material, suministros, equipo o servicios (incluidos los de construcción) que se provean o emprendan en El Salvador, sin restricciones acerca de la elección del contratista, proveedor o persona que proporcione dicho material, suministros, equipo o servicios. Esos contratos se solicitarán, concederán y administrarán de conformidad con las leyes y los reglamentos del Gobierno de los Estados Unidos de América. No se gravarán impuestos ni tasas parecidas por la adquisición de artículos y servicios en El Salvador por el Departamento de Defensa de los Estados Unidos, o en su nombre, por motivo de las actividades emprendidas con arreglo al presente Acuerdo.

La Embajada propone también que a los contratistas de los Estados Unidos, en cumplimiento de sus contratos con el Departamento de Defensa de los Estados Unidos relacionados con las actividades emprendidas con arreglo al presente Acuerdo, puedan importar o utilizar en El Salvador, o exportar de este, cualesquier bienes muebles, equipo, suministros, tecnología, capacitación o servicios. Dicha importación, exportación y utilización se eximirá de la concesión de licencias o de otras restricciones, así como del pago de derechos de aduana, impuestos o cualquier otro gravamen que se imponga en El Salvador.

La Embajada propone que a los contratistas de los Estados Unidos se les conceda el mismo trato que al personal de los Estados Unidos en lo que respecta a las licencias profesionales y de manejar.

La Embajada propone que el personal de los Estados Unidos tenga libertad de movimiento y derechos de acceso y utilización con respecto a las instalaciones de transporte, almacenamiento y capacitación, entre otras, convenidas mutuamente, que requiera para las actividades efectuadas con arreglo al presente Acuerdo.

El Gobierno de El Salvador reconoce que puede resultar necesario que las Fuerzas Armadas de los Estados Unidos utilicen el espectro radioeléctrico. Se permitirá al Departamento de Defensa de los Estados Unidos que haga funcionar sus propios sistemas de telecomunicaciones (tal como las telecomunicaciones se definen en la Constitución de 1992 y en la Convención de la Unión Internacional de Telecomunicaciones). En ese permiso queda incluido el derecho a utilizar los medios y servicios que se requieran para asegurar el funcionamiento pleno de los sistemas de telecomunicaciones y el derecho a utilizar todo el espectro necesario para ese fin. El uso del espectro radioeléctrico será gratuito para el Gobierno de los Estados Unidos.

Además, la Embajada propone que cada Parte renuncie a toda reclamación (a excepción de las reclamaciones contractuales) contra la otra por concepto de daño, pérdida o destrucción de los bienes del otro, o de lesión o muerte del personal civil o militar de cada Parte que ocurra en el desempeño de sus funciones oficiales durante las actividades efectuadas con arreglo al presente Acuerdo. Las reclamaciones de terceros por concepto de daño o pérdida causado por el personal de los Estados Unidos las resolverá el Gobierno de los Estados Unidos de acuerdo con las leyes y los reglamentos



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de los Estados Unidos, cuyo Gobierno adoptará medidas para asegurarse de que los reclamantes puedan valerse adecuadamente del procedimiento de reclamación.

Por último, la Embajada propone asimismo que nuestros dos Gobiernos, o los representantes que designen, puedan concertar disposiciones de aplicación para la puesta en práctica del presente Acuerdo.

Si lo anterior resulta aceptable al Gobierno de la República de El Salvador, la Embajada propone que la presente nota y la nota de respuesta del Ministerio a ese efecto constituyan un acuerdo entre los dos Gobiernos, el cual entrará en vigencia en la fecha de la respuesta del Ministerio.

La Embajada de los Estados Unidos de América aprovecha la oportunidad para reiterar al Ministerio de Relaciones Exteriores las seguridades de su más alta y distinguida consideración.

Embajada de los Estados Unidos de América,  
San Salvador, 15 de febrero de de 2007.™™

El Ministerio de Relaciones Exteriores tiene el honor de confirmar que las disposiciones contenidas en la Nota de esa Representación Diplomática son aceptables. Así mismo para la entrada en vigor de dichas disposiciones el Gobierno de la República de El Salvador tiene que cumplir con el procedimiento legal interno. Por lo cual la Nota de esa Representación Diplomática junto con la Nota de El Salvador en la cual se notifique el cumplimiento de tales procedimientos, constituirán un Acuerdo sobre esta materia.

EL MINISTERIO DE RELACIONES EXTERIORES DE LA REPUBLICA DE EL SALVADOR, reitera a esa Honorable Representación las seguridades de su más alta consideración y respeto.

Antiguo Cuscatlán, veintiocho de febrero de dos mil siete

A large, stylized handwritten signature in black ink, consisting of several loops and a long vertical stroke.



MINISTERIO DE RELACIONES EXTERIORES  
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Secretary of State

DGAJDH/DNT/CB/N°

0227

THE MINISTRY OF FOREIGN AFFAIRS OF REPUBLIC OF EL SALVADOR has the honor of acknowledging receipt of the Diplomatic Note No.100 dated february 15, 2007, which literally says:

“No. 100

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of El Salvador, and has the honor to refer to recent discussions between representatives of our two governments regarding issues related to United States military and civilian personnel (defined as members of the United States Armed Forces and civilian employees of the United States Department of Defense, respectively, hereafter referred to collectively as United States personnel) and United States Contractors (defined as non-Salvadoran companies and firms, and their employees who are not nationals of El Salvador, under contract to the United States Department of Defense) who may be temporarily present in El Salvador in connection with ship visits, training, exercises, humanitarian activities, and other activities as mutually agreed.

As a result of these discussions, the Embassy proposes that United States personnel be accorded the privileges, exemptions, and immunities equivalent to those accorded to the administrative and technical staff of a diplomatic mission under the Vienna Convention on diplomatic relations of April 18, 1961; that United States personnel may enter and exit El Salvador with United States identification and with collective movement or individual travel orders; that El Salvador shall accept as valid all professional licenses issued by the United States, its political subdivisions or states thereof to United States personnel for the provision of services to authorized personnel; and that Salvadoran authorities shall accept as valid, without a driving test or fee, driving licenses or permits issued by the appropriate United States authorities to United States personnel for the operation of vehicles. The Embassy further proposes that United States personnel be authorized to wear uniforms while performing official duties and to carry arms while on duty if authorized to do so by their orders.

The government of El Salvador recognizes the particular importance of disciplinary control by United States armed forces authorities over United States personnel and, therefore, authorizes the government of the United States to exercise criminal jurisdiction over United States personnel while in El Salvador.

The Embassy further proposes that the United States Department of Defense and United States personnel shall not be liable to pay any tax or similar charge assessed within El Salvador and that the United States Department of Defense and United States personnel may import into, export out of, and use in El Salvador any personal property, equipment, supplies, materiel, technology, training, or services in connection with activities under this agreement. Such importation, exportation, and use shall be exempt from any inspection, license, other restrictions, customs duties, taxes, or any other charges assessed within El Salvador. The Governments of the United States of America and El Salvador shall cooperate to take such measures as may be necessary to ensure the security and protection of United States personnel, property, equipment, records, and official information in El Salvador.



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The Embassy proposes that vessels and vehicles operated by or, at the time, exclusively for the United States Department of Defense may enter, exit, and move freely within the territory of El Salvador, and that such vehicles (whether self-propelled or towed) shall not be subject to the payment of overland transit tolls. Vessels and aircraft owned or operated by or, at the time, exclusively for the United States Department of Defense shall not be subject to the payment of landing, parking, or port fees, pilotage charges, lighterage, and harbor dues at facilities owned and operated by the government of El Salvador. Aircraft owned and operated by or, at the time, exclusively for the United States Department of Defense shall not be subject to payment of navigation, overflight, terminal or similar charges when in the territory of El Salvador. The United States Department of Defense shall pay reasonable charges for services requested and received at rates no less favorable than those paid by the Armed Forces of El Salvador. Aircraft and vessels of the United States government shall be free from boarding and inspection.

The Embassy also proposes that the United States Department of Defense may contract for any materiel, supplies, equipment, and services (including construction) to be furnished or undertaken in El Salvador without restriction as to choice of contractor, supplier, or person who provides such materiel, supplies, equipment or services. Such contracts shall be solicited, awarded and administered in accordance with the laws and regulations of the government of the United States of America. Acquisition of articles and services in El Salvador by or on behalf of the United States Department of Defense in connection with activities under this Agreement shall not be subject to any taxes or similar charges in El Salvador.

The Embassy further proposes that United States contractors in fulfillment of contracts with the United States Department of Defense in connection with activities under this agreement may import or utilize in El Salvador or export therefrom any personal property, equipment, supplies, technology, training, or services. Such importation, exportation, and use shall be exempt from any license, other restrictions, customs duties, taxes, or any other charges assessed within El Salvador.

The Embassy proposes that United States contractors shall be granted the same treatment as United States personnel with respect to professional and drivers, licenses.

The Embassy proposes that United States personnel shall have freedom of movement and access to and use of mutually agreed transportation, storage, training, and other facilities required in connection with activities under this agreement.

The government of El Salvador recognizes that it may be necessary for the United States armed forces to use the radio spectrum. The United States Department of Defense shall be allowed to operate its own telecommunication systems (as telecommunication is defined in the 1992 constitution and Convention of the International Telecommunication Union). This shall include the right to utilize such means and services as required to ensure full ability to operate telecommunication systems, and the right to use all necessary radio spectrum for this purpose. Use of the radio spectrum shall be free of cost to the United States Government. Further, the Embassy proposes that the Parties waive any and all claims (other than contractual claims) against each other for damage to, loss, or destruction of the other's property or injury or death to personnel of either Party's armed forces or their civilian personnel arising out of the performance of their official duties in connection with activities under this Agreement. Claims by third parties for damages or loss caused by United States personnel shall be resolved in accordance with United States laws and regulations, with said government taking steps to ensure that claimants have adequate access to the claims process.



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Finally, the Embassy proposes further that our two governments or their designated representatives may enter into implementing arrangements to carry out the provisions of this agreement.

If the foregoing is acceptable to the government of El Salvador, the Embassy proposes that this note, together with the Ministry's reply to that effect, shall constitute an Agreement between the two Governments, which shall enter into force on the date of the Ministry's reply.

The Embassy of the United States of America avails itself of this opportunity to present to the Ministry of Foreign Affairs of the Republic of El Salvador, the assurances of its highest and most distinguished consideration.

Embassy of the United States of America,  
San Salvador, February 15, 2007. "

The Ministry of Foreign Affairs has the honor to confirm that the dispositions included in the Note of that Diplomatic Representation are acceptable. However, for the entry into force of those dispositions, the government of the Republic of the El Salvador has to comply with the legal internal procedures, there fore the note of that Diplomatic Representation together with the note of El Salvador in which it is notified the completion of that procedure, shall constitute an Agreement between about this matter.

The Ministry of Foreign Affairs of the Republic of El Salvador reiterates to that Honorable Representation the assurance of its highest consideration and respect.

San Salvador, February 15, 2007.

